
Third Session
Geneva, 2-10 December 2002
Item 8 of the provisional agenda

**Mines other than Anti-Personnel Mines (MOTAPM)
laid outside fenced and marked areas**

Working paper prepared by Delegation of Ireland

1. **Threat.** Mines other than Anti-Personnel Mines (MOTAPM) laid outside fenced and marked areas present a substantial risk to peacekeeping operations, humanitarian operations and normal civilian activities. Such mines, whose active life is of indefinite and long-term duration, present a threat to civilians during conflicts and for an indefinite duration after conflicts. Unlike most APMs each MOTAPM (often termed Anti Vehicle Mine) has the potential to kill large numbers of people, and small numbers of AVMs cause long-term disruption to communications routes vital for the movement of humanitarian aid and for the resumption of normal economic activities.
2. **Existing law.** In the process leading to the adoption of CCW Amended Protocol II (AP2) in 1995-6 the main focus of concern was the problem of Anti-Personnel Mines. The restrictions imposed on MOTAPM were less stringent in order to maximise support for restrictions on APMs. In particular no restrictions were imposed on detectability of AVMs, restrictions on Remotely Delivered AVMs (RDAVM) were minimal and no restrictions were imposed on AVMs laid outside fenced and marked areas. In contrast APMs laid outside fenced and marked areas are subject to the same restrictions as Remotely Delivered APMs (RDAPM) with regard to the duration of the active phase and the design of the SD/SDA mechanisms.
3. **Definition of RDM.** The current definition of Remotely Delivered Mines, in Amended Protocol II, Article 2, Paragraph 2, specifically excludes mines delivered by land-based systems from less than 500 metres. Consequently, a large class of scatterable Anti-Vehicle Mines will not be subject to any restriction on the duration of their active life.
4. There are therefore two reasons why this class of AVM should be subject to limitation on the duration of their active life. Firstly to prevent the deployment of hand laid and mechanically laid long life AVMs outside fenced and marked areas. Secondly to cover scatterable AVMs dispensed by land based systems from a distance of less than 500 metres, which are not fenced and marked.

5. **Course of action.** It would seem reasonable therefore that AVMs, laid outside fenced and marked areas, should be subject to the same restrictions as RDAVMs. This is already the case with APMs laid outside fenced and marked areas. If the draft US Protocol on Prohibitions or Restrictions on the use and transfer of MOTAPMs were taken as a model, the problem of AVMs outside fenced and marked areas could be dealt with in a number of ways. One possibility would be to add a new paragraph 3 to Article 4.

All non-remotely delivered mines other than anti-personnel mines, which are emplaced outside fenced and marked areas, must comply with paragraphs 1 and 2 of this Article.

6. **Border minefields.** Long-term border minefields should be fenced and marked and AVMs in such minefields would not be subject to SN/SD and SDA.
-